92-1786

SUPREME COURT, U.S.
FILED
MAY 7 1993
OFFICE OF THE CLERK

NO. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1992

RAYMOND BLY

PETITIONER

VS.

STATE OF MARYLAND

RESPONDENT

APPEAL FROM COURT OF APPEALS OF MARYLAND

Annapolis, Maryland

PETITION FOR WRIT OF CERTIORARI

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13pp

QUESTIONS PRESENTED

1. Can an arrest warrant, indictment and conviction of child-abuse stand when the so-called victim that testified at trial as the step-daughter of the defendant and a minor when later DNA testing and deposition-taking of her proved beyond any reasonable doubt that she was an illegal alien, an imposter of indeterminate age and not the step-daughter of the defendant - all of which the State knew prior to the arrest?

2. Can the State of Maryland arrest, indict, prosecute and convict an individual knowing all the while that they were prosecuting under a fictitious name and identity and age.

3. Malicious prosecution. Can the State of Maryland prosecute a person

using falsified evidence, perjured testimony and the withholding of esculpatory evidence be Constitional?

4. Judicial involvement. With overwhelming circumstantial evidence proving the judicial involvement through the three courts in Maryland of conspiracy has blocked all fforts for the defendant to prove his case of innocence - not grant the defendant a change of venue?

5. Can a conviction stand when the conviction, indictment and arrest was contrived for the sole reason to protect all officials under the statutes of "Immunity" in child-abuse cases by the use of perjury, falsification of evidence and, especially, the withholding of the

identity of the alleged victim making her a legal alien, minor and step-daughter - instead of an illegal alien who lied, cheated and falsified paperwork to gain entrance to America?

6. Can the court system in the State of Maryland commit perjury to obtain an arrest warrant, indictment and knowingly falsify the victim's age and identity in child-abuse cases?

7. Retaliatory prosecution. Can the State of Maryland and its court system uphold the prosecution of a person who was convicted for the sole purpose of quieting him from his right to petition to redress the civil right's violations they had already committed against him and his wife and children?

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Each one of these Appendices is the exact copy and retyped for the purpose of reduction.

No. ----------

----------IN THE

SUPREME COURT

OF THE

UNITED STATES OF AMERICA

October Term, 1993

RAYMOND BLY, Petitioner

vs.

State of Maryland, Respondent

PETITION FOR WRIT OF CERTIORARI

TO THE SUPREME COURT OF THE

UNITED STATES OF AMERICA

Petitioner, Raymond Bly, respectfully prays that a Writ of Certiorari be issued to review the judgment and opinion of the Maryland Court of Appeals to see if that ruling should be overturned in the name of justice and Constitional Rights.

OPINIONS BELOW

The opinion of the Court of Appeals of Maryland is unreported but denied criteria. The Court of Special Appeals of Maryland is also unreported and denied my appeal. The ruling of the Circuit Court in Howard County, Maryland was two-fold. First, after hearing a very short argument and refusing Mr. Bly to present his documented proof, they denied Mr. Bly a new trial. Mr. Bly, then, with additional new evidence submitted another motion for a new trial which was flatly

refused to be heard or allowed.

JURISDICTION

First, the Circuit Court of Howard County, Maryland dismissed my new trial motion (both). These motions were then consolidated for appeal purposes which the court of special appeals denied. Then, the Court of Appeals refused criteria. That is why, in the name of justice, this appeal is within the jurisdiction of the Supreme Court of the United States and would serve the public interest to not only be heard but to have the "immunity" laws of judges and States Attorneys reviewed to give defendants the right to redress collusion, conspiracy and fraud by these officials in obtaining illegal convictions.

CONSTITUIONAL AND STATUTORY PROVISIONS INVOLVED

Amendments V, XI, XIV as well as the Bill of Rights and paragraph 1983 of the Civil Rights Amendment of the U.S. Constitution that guarantees the rights of a defendant to a fair trial, indictment and a justified arrest. It also guarantees a defendant the right to face his accuser.

STATEMENT OF THE CASE

Petitioner, Raymond Bly, has brought this appeal to the U.S. Supreme Court in hopes that Mr. Bly could clear his name that has been unjustly blemished for life.

In 1969 Mr. Bly met his wife in Vietnam, who was pregnant at the time due

to a rape. Due to the overwhelming prejudice towards unwed women with children and the untold prejudice of my own parents toward Vietnamese, I and my wife told them that her daughter had been adopted. My wife's sister and my wife's brother-in-law are the only people - besides my wife's father - that knew the truth about this baby girl and signed the birth certificate as witnesses to the birth. Since I grew up in a dysfunctional family with an alcoholic father, I lacked any credible role models of what a family should be like. I fell deeply in love with this family. I and my wife raised our daughter for two years. When we left Vietmam to come to America, we were forced to leave her behind as my father-in-law would not

allow her to accompany us fearing that the propaganda he had heard about America might be true. I had all the paperwork and visas approved for the emigration of my wife's daughter in 1971. We tried after coming to America, through letters, to convince my father-in-law to allow our daughter to come here. By the time he said O.K., he died and Vietnam fell and it was too late. I wrote letters, I fought, I sent money. It was a helluva guilt trip for me that I had had to leave our daughter behind to be abused by the Communists. You can't imagine how strongly I fought to bring her here with my wife.

Between 1982 and 1985, our supposed daughter wrote six letters - saying she didn't want to come to the U.S. My brother-in-law (a different one) wrote us

that our daughter refused to come but to please let him come because he had to leave. He had been black-listed and imprisoned several times for trying to escape and for doing the paperwork to emigrate to the U.S. We wanted to help him and knew he HAD to leave Vietnam but we also wanted our daughter him and we made it known to him and his family and all the officials involved that, if our daughter didn't accompany him, he couldn't come. In 1985 the "happy???" reunion took place.

Let me say that I understood why the girl refused to be part of our family and why she fought and cussed at us so much once she was here. Both I and my wife felt that she had been through a lot of communist indoctrination and that, with

time, she would come around.

She turned out to be an illegal alien who had assumed my wife's daughter's identity and name to gain unlawful entry and any involvement with us might have disclosed this deception. She wanted to find a way out just as much as my brother-in-law and his family did. They had been told in Vietnam that when you came to America, you would given a free house, a free car and lots of spending money to help you get started. They wouldn't believe that this was not the case and thought I'd stolen their money and betrayed them.

In 1985, child abuse had exploded onto the National scene and the witchhunt was on.Schools passed out literature and had meetings with the pupils to discuss

it - telling the kids to tell on their parents and they would be taken out of them home.

This illegal alien caught wind of how easy it was to lodge these charges - with the help of my Vietnamese sister-in-law - so they could obtain free housing. They didn't realize these charges could put me in jail and wipe me out financially.

The illegal alien told the police and social service personnel that she had suffered sexual abuse. She also told them she was not my wife's daughter but the State refused to look into any questions of her identity or to inform us what she had told them as that might hurt their child-abuse case against me. They convinced her to lie under oath about her

parentage. On the day she was picked up from school and removed from my home, she had laughed at me and my wife as she left for school and told us that she wasn't our daughter. We repeatedly requested blood tests and they repeatedly refused. We had also frequently insisted that social services get her counseling and, again, they repeatedly refused. We wanted our daughter back but officials felt, perhaps, that if they consented or ordered this woman to get counseling, the truth of her false identity would probably be exposed as well as the false allegations against me of child abuse so they wouldn't budge an inch.

They ran rampant over my family's civil rights trying to force my wife to say I was abusive - questioning my

children's school teachers in an effort to prove I was abusive and daily trying to break me down to confess my guilt. They were so abusive, I published a small leaflet that told of the abuses of me and my family and also of what we felt were abuses of this young woman whom we thought was our daughter by refusing to get her counseling. I passed this paper out to congressional leaders, court personnel and to the local media.

This brought my family more grief because they conspired to arrest me. They broke into our home and threatened my wife with arrest and the possible loss of her other children if she continued to refuse to sign a paper saying I was guilty. She was recoverning, at the time, from a perforated ulcer - brought on by the daily stress in our home since

the arrival of my in-laws to America - and they knew of her condition when they did this. They injured one of my children with their forced entry into my home while I was being unlawfully detained at the police station. They reasoned that if I was convicted of child-abuse, they would all be able to come under the cloak of "immunity" so this became their single purpose in life.

They obtained a fraudulent arrest warrant using our daughter's name and the police, social services and States Attorney's Office were ALL later found to have known about a serious question as to this woman's identity and age well before I was arrested.

They tried to force me to plea bargain and when that failed, they tried

to convince my lawyers and later the courts that I had confessed to the child-abuse charges to them during their interrogation of me and my wife without Miranda Rights. Later sworn testimony proves that the police documents surrendered in court had been doctored, that this so-called "friendly" meeting at the police station was coordinated between all the officials involved and was anything but friendly and, finally, that I had never once confessed to any crimes whatsoever - but all this was after my conviction and no court, to date, seems to care at all.

Further, they went in front of the grand jury again using the false identity of the alleged victim to indite me. This

resulted in my filing a civil right's lawsuit against them for the violations of human rights they had perpetrated on me and my family.

Then my trial began. They had conspired with the judge to allow the entry of falsified evidence, to conceal the true identity and age of the alleged victim, to withhold esculpatory evidence and, finally. to allow perjured testimony so that only the falsified evidence would come out. They even had the so-called victim well rehearsed. I included the judge to be in on this conspiracy of silence and lies and cover-ups because he had conducted a Ritchie Review on the police reports and the social service files and told defense that we had been given all the relavant information - which after my conviction - also can now

be proven to be untrue. In fact, esculpatory evidence had been whitened out and the alleged victim had told all of them that she was not our daughter but an imposter.

The judge convinced my attorney to have me "rest" my case and not to mount any defense even though I had several witnesses that would clearly testify that they heard the sister-in-law as well as the so-called victim laughing at parties about how they had lied against me and my family and been given housing, money, food stamps, etc. for their false testimony.

This next point is really unbelievable. The States Attorney's Office even went as far as to have an imposter testify that he was an INS

agent. He committed perjury stating that I (a non-blood relative) had signed papers to immigration the day of the alleged victim's arrival assuming the "CARE AND CUSTODY" of her - which is illegal for me to do according to immigration law. Of course, he couldn't produce these papers because they didn't exist. After my conviction, I contacted INS to ask this man why he had lied on the stand but no one in Washington or Baltimore INS ever heard of him, employed him, etc. etc.

I was convicted and shortly after my conviction, this same judge decided to dismiss my civil right's lawsuit under the laws of "immunity" for these officials - but I had voluntarily dismissed it 5 hours before he could - so

his ruling was moot. I re-filed it in Federal Court where it is still pending.

Due to post-conviction depositions, requests for documents, requests for admissions and interrogatories, I got the following:

1. The complete police file that shows their alterations and their whiting out of esculpatory evidence.

2. DNA testing of both the alleged victim and wife that clearly proved no relationship between this imposter and my wife - not even a cousin.

3. The illegal alien's attorney had a slip of the tongue in front of a federal judge and called this woman by a different nameand later admitted he had known her by this different name for

several years.

4. Her attorney advised her to take the fifth Amendment concerning her parentage, her age and her background during the deposition in front of the federal judge by the State Attorney General's Office - which, of course, she did.

5. Deposition of social worker brought out that the police officer's testimony concerning my alleged confession was perjury because the social worker was at that meeting and answered that I had not confessed to anything.

6. Social worker says that first day this woman went to the foster home, she had told them she wasn't my wife's daughter.

7. Social Worker states that this woman

said many times that she had lied concerning her allegations against me but feared being extradited back to Vietnam or put into jail.8. Deposition of police officer shows him still committing perjury in the beginning. After documented proof was shown to him of the complete police files and the sworn responses of the social worker, he had little to say except to blame the States Attorney for everything. He finally even admitted that four months prior to my arrest, this woman had confessed to him that she was not my wife's daughter.

These items were discuvered one by one after my conviction and sentencing. Each time I filed new trial motions and each time I was denied through the appellate system. The last few items I have discovered for this last new trial

motion coupled with all of the above previous new trial motions clearly shows prosecutorial misconduct with the full knowledge of the judicial branch of government in Maryland as well as the Attorney General's Office in Maryland. My documented proof, which is extensive, clearly proves that from Day One, I was railroaded by a system now out to protect itself at any cost by refusing to hear my evidence or allow me to submit documentation. It also clearly proves my innocence by a preponderence of the evidence.

My conviction was to inhibit my first amendment rights of free speech.

The conviction of child-abuse gave them "immunity" from prosecutionfrom the civil right's violations they had

committed against me and my family so they HAD to convict me.

They even had to threaten the alleged victim to get her to testify against me to gain their conviction.

The courts say this newly-discovered evidence is not timely. How can a person discover things that you are unaware of - like the identity of this illegal alien and her age - when you thought she was your daughter? How can you discover that the so-called statements to the police had been altered in the police report surrendered at trial to defense? How could you have guessed the State's INS agent was an imposter? Even with the DNA results, my wife wouldn't believe that this woman was an imposter. I contacted a police forensic sketch artist who aged our daughter's baby pictures to 20 years

old and he explained to us that corners of eyes, mouth and nose and the way they curve never changes and this woman is 100% an imposter. The court gasped when I presented the aged photograph as they stared at the picture and then at our so-called, long lost daughter.

Everytime I have submitted a lawsuit against someone involved in this case from the beginning, the word that was passed around was that a convicted child-abuse criminal was just trying to get his conviction over-turned. But by bringing these lawsuits, taking depositions, requesting documents, I have gotten all the above information that should be ample to exonerate me.

I didn't do a good job defending myself during trial because of my love

for my daughter and not wanting to hurt her or my wife publicly. Also, my attorney convinced me that I couldn't and wouldn't be convicted even if I didn't mount a defense. I decided - because of this love for my daughter - and the desire to shield my wife from shame - to "rest". It would have been a totally different story in court had I mounted a defense. We could have torn her to shreds as well as my wife's relatives who had illegally brought her here and whom we could prove had committed welfare and housing fraud and had the prosecution been fair to defense both prior to and during trial, I would never have been convicted in the first place.

A member of the jury told me that he could not believe the alleged victim as

she had continuously changed her story during trial The only thing he and the other jurors had used to convict me was that I had never said I didn't do it.

The State, mid cross examination of this woman, introduced a prejudiced, biased interpreter whom even the so-called victim argued with vehemently as to what her answers were.

The State during my trial changed the date of my charges from July 15th when this woman was not in my home at all and this could be proven, to I did something, sometime, somewhere - which is impossible to defend against.

REASONS WHY A NEW TRIAL AND CRITERIA MUST BE GRANTED IN THIS CASE

I don't have any video tape to prove

my innocence such as in the case of Rodney King. However, my case also demands justice - because I am an innocent man who has had his head beat on figuratively with falsified evidence, perjury, withholding of esculpatory evidence, a police record and wiped out financially.

All I need is one person in power to sit down for several days with me to look at the police files, the depositions, the DNA results, and the trial transcripts to show how I was 100% railroaded in a court of law.

I pray that this one official will be a member of the U.S. Supreme Court which is why I've bothered to write and tell you all of this.

1. Falsified police reports to Defense and withholding of escupatory evidence.

2. Falsifying a confession.

3. Falsifying identity and age of alleged victim in child-abuse case.

4. Falsifying "care and custody" issue by using a false INS agent.

5. Falsifying evidence to the jury by the use of an interpreter telling the alleged victim (repeatedly) what she MUST say.

6. perjury by all the State's witnesses during trial.

7. Conspiracy to commit the first six offenses by all officials concerned including the judge.

8. Prosecutorial misconduct by falsifying both evidence and testimony in a conspiracy with the State's witnesses.

9. Retaliatory prosecution by the States Attorney and the judicial branch of Howard County, Maryland.

10. Ethic's committee violations by States Attorney's Office by falsifying evidence to the court, the jury, the grand jury amd the court commissioner.

Half of the above has already supposedly been heard in the last five years in new trial motions and appeals - but nothing has really been heard - as they refuse to allow me to submit evidence or testimony to the contrary of the court's opinion.

The other half, however, was put into a new trial motion a year and a half ago which was denied because they stated "new-found evidence" is only allowable

for one year after a conviction. When I was trying all along to do Interrogatories, Requests for Admissions, documentation, etc., the other side requested and received extensions too often to put down here. They very affectively stopped me from learning any truths for several years after my conviction. They also refused to allow me to submit any documents. So I put in another New Trial Motion under another Md. Rule concerning fraud, irregularity and misrepresentation but I included ALL of the above to overwhelmingly prove my case. They flatly denied to hear it - which I appealed to the Court of Special Appeals who refused to look at my documents or overturn my conviction as my trial judge had been in the Appellate

Court level since my trial and I'm feel sure he had quite a bit to do with them refusing to review anything. Then I appealed to the Court of Appeals of Maryland - which denied criteria with no explanation. Now I'm appealing it to you - knowing fully - that with the overwhelming number of cases you are given each year, you must be more concerned with high-profile cases that set nation procedence. I'm just a pro se litigant who can't get a break. If you will just have one of your law clerks review my case, I will gladly pay his salary for his time to look at my documents compared to my trial transcripts to show the prosecutorial misconduct and retaliatory prosecution against me. You're not my last hope in this matter as a habeas corpus will be

tried and then the U,N. Human Rights Commission in Switzerland.

When officials of this government can break the law, abuse innocent people's rights, and laugh about it - something is drastically wrong with our system of justice. Over a hundred people I know cannot believe what has happened in my case. We all now don't trust the system of justice and distrust our officials. Immunity for government officials, when individuals - like myself - can prove beyond any reasonable doubt conspired to deprive me of my rights and justice - should be eliminated and they should be prosecuted to the fullest extent of the law just like the rest of us. If this court wishes to advance human rights in our Country a thousand years, it should strike down - as

Unconstitutional - for public officials, police officers, social workers, etc., their immunity from prosecution when they commmit crimes and from civil liability. When people, like myself, have been law-abiding citizens who served their country both home and abroad, honorably, gets railroaded - such as I and my family were - its shows hundreds of people that are friends of people like myself who have had this same thing happen to them - that this government is so longer for the people and by the people and Constitutional Rights are only granted to government officials who can do as they please with impunity.

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Appendices Reduced

	*	In the
	*	Court of Appeals
RAYMOND J. BLY	*	of Maryland
vs.	*	Petition Docket No. 507
STATE OF MARYLAND	*	(No. 98, Sept Term, 1992, Court of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

Dated Feb 10, 1993

Due to lack of finances, I am unable to reduce or copy the 10,000+ pages of Appendices - but they are available, upon request.

REDUCED COPY

Raymond Bly	*	In the
Appellant	*	Court of Special
vs.	*	Appeals, No. 98
State of Maryland	*	September Term,
Appellee	*	1992

ORDER

On April 23, 1992, Appellant filed a Motion to Consolidate Two Appeals asking this Court to consolidate the appeal noted on February 10, 1992 (from the lower court's denial of the Motion For New Trial on February 4, 1992) and the appeal noted on March 16, 1992 (from the lower court's denial of the Motion For New Trial on March 3, 1992). Appellant's Motion also requested that he be allowed to file a second brief to address the issues in the appeal noted on March 16, 1992.

On May 20, 1992, Appellee filed a Motion For Extension of Time For Filing Brief of Appellee to allow Appellee to file one brief addressing all the issues raised and to be raised in Appellant's brief (assuming Appellant's Motion to Consolidate were granted).

Having read and considered the Motion to Consolidate Two Appeals, and the Motion For Extension of Time For Filing Brief of Appellee, and no response having been filed to either motion,

It is, therefore, this 8th day of June, 1992, by the Court of Special Appeals,

ORDERED that the Motion to Consolidate Two Appeals is granted; and it is further

ORDERED, on this Court's own

motion, that within thirty days from the date of this Order, the Clerk of the Circuit Court for Howard County shall transmit to this Court all pleadings related to the appeal noted on March 16, 1992 (which pleadings include the Motion For New Trial filed on February 25, 1992, the Order filed March 3, 1992 denying that Motion. and the notice of appeal filed on March 16, 1992; and it is further

ORDERED that Appellant may file a second brief as to the appeal noted on March 16, 1992 on or before July 8, 1992; and it is further

ORDERED that the Motion For Extension of Time For Filing Brief of Appellee is granted. Appellee's brief is due August 8, 1992.

FILED JUN 12,1992 S/ALAN WILSON,CHF JUDGE

There was two motion for new trial, one in Feb, 1992 and one in March 1992, In the Curcuit Court for Howard county The first one was deny on record and the second one was just deny on the margin of my motion